

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
MEETING ROOM #113
THURSDAY, MARCH 18, 1999
8:30 A.M.**

Commissioners Present: Larry Hudkins, Vice-Chair
Bob Workman
Bernie Heier

Commissioners Absent: Kathy Campbell, Chair
Linda Steinman

Others Present: Kerry Eagan, Chief Administrative Officer
Diane Staab, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk
Ann Taylor, County Clerk's Office

AGENDA ITEM

1 APPROVAL OF COUNTY BOARD STAFF MEETING MINUTES OF THURSDAY, MARCH 4, 1999

MOTION: Workman moved and Heier seconded approval of the minutes with the addition that Commissioner Heier's absence at that meeting was due to his representation of the County Board at a juvenile facilities conference in Longmont, Colorado. On call Workman and Hudkins voted aye. Heier abstained from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

- a. Maintenance Contracts
- b. Liquor License Policy
- c. Visitors Promotion Committee

MOTION: Heier moved and Workman seconded approval of the additions to the agenda. On call Workman, Heier and Hudkins voted aye. Motion carried.

3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant

Gordon Kissel, Legislative Consultant, briefly reviewed his legislative update (Exhibit A) noting the following:

- * Senator Redfield has prioritized LB770, which changes the exempt amount for inheritance tax purposes. This bill is still being discussed in the Revenue Committee, but advancement is likely, following revision.
- * Senator Tyson has requested that Lancaster County testify in support of LB651, which requires the Supreme Court to pay security costs.
- * LB 652, which provides for a juvenile correctional facilities master plan and increases the cigarette tax, has been amended to include juvenile justice issues. A strategy session with Senators Thompson and Pederson on this legislation, which has been designated a priority by Senator Thompson, is scheduled for Monday, March 22, 1999.
- * LB 708, which changes provisions for admission of persons to State hospitals and use of other facilities, remains in the Health Committee. This bill was introduced by Senator Hudkins on behalf of Lancaster County.

Eagan indicated a meeting will be requested with Senator Beutler to discuss LB 414, which provides for the transition of the Clerk of the District Court to a State reimbursed position. He suggested that LB 689, which changes and eliminates in forma pauperis provisions, be included in that discussion.

The Board concurred.

Eagan suggested monitoring of the following legislative bills:

- * LB 831, which changes provisions for employee benefit plans for certain political subdivisions
- * LB 496, which changes right-of-way for telecommunications lines and related facilities and eminent domain powers

Bill Wood, Real Estate Owners and Managers Association, appeared to explain his organization's opposition to LB 406, which requires property owners to pay for refuse removal, noting the following concerns:

- * The problem is minor and ability to cite the property owner already exists
- * Ordinance should apply to homeowners, as well as landlords
- * How will the ordinance be enforced?

Leon Vinci, Lincoln/Lancaster County Health Department Director, reported the Mayor has indicated that garbage is the primary complaint received by his office.

Scott Holmes, Environmental Health Division Chief, circulated photographs depicting the garbage problem, stating that more than 1,000 garbage complaints are received by the Health Department each year, with 70 percent related to single family or duplex rental properties. He also noted that:

- * 800 warnings are issued each year for garbage complaints
- * 50-100 court actions for non-compliance with those warnings are initiated each year
- * 30 nuisance abatements, in which the Health Department hires a company
- * to remove the garbage and charges the property owner, occur each year

Brief discussion followed with the following concerns noted:

- * The proposed ordinance would add another level of bureaucracy and regulation
- * The Real Estate Owners and Managers Association was not contacted prior to the introduction of legislation
- * Landfill receipts should be required to prevent illegal dumping of the garbage

Hudkins recommended that the Mayor's Office and City Council be contacted to determine their position on the bill.

MOTION: Workman moved and Heier seconded to schedule additional discussion of LB 406 on the agenda for the March 25th County Board Staff Meeting. On call Workman, Heier and Hudkins voted aye. Motion carried.

4 UPDATE OF COUNTY AIR POLLUTION REGULATIONS - Leon Vinci, Lincoln/Lancaster County Health Department Director; Marcia Willhite, Air Quality Supervisor; Scott Holmes, Environmental Health Division Chief

Leon Vinci, Lincoln/Lancaster County Health Department Director, reported that air pollution programs are currently funded by emission fees paid by the largest air pollution sources. Alternative sources of fuel and improvements to internal processes have reduced those emissions and revenue sources.

Marcia Willhite, Air Quality Supervisor, reported that the Air Pollution Control Advisory Board has recommended that the inspection fee section of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards be repealed and replaced with a section authorizing the collection of annual fees. She stated implementation of the proposed tiered fee schedule will provide for a more equitable collection of fees.

Vinci stated the proposed change is projected to generate sufficient revenue to stabilize air pollution programs for at least three years.

Heier noted that automobiles contribute significantly to air pollution and inquired whether automobile emission standards are planned.

Willhite reported the Health Department plans further study of automobile pollution in the coming year.

Scott Holmes, Environmental Health Division Chief, remarked that pickup trucks, mini vans and sport utility vehicles continue to gain in popularity, but currently have less restrictive emission controls than automobiles.

Willhite stated the Environmental Protection Agency (EPA) is proposing fuel standards, in addition to emission standards for all vehicle classes, in response to the sensitivity of catalytic convertors to fuel contaminants. She noted that changes to fuel formulas are projected to increase fuel costs in the range of three to five cents per gallon.

NOTE: The County Board will hold a public hearing on proposed changes to the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards, Section 6, Air Pollution Source Annual Fees on Tuesday, April 6, 1999 at 1:30 p.m.

Vinci also distributed a handout summarizing the legislative bills that the Health Department is on record as supporting or opposing (Exhibit B).

5 PENDING & POTENTIAL LITIGATION - Doug Cyr and Diane Staab, Deputy County Attorneys; Sue Eckley, Workers' Compensation & Risk Management Manager

MOTION: Heier moved and Workman seconded to enter into Executive Session at 9:53 a.m. for discussion of potential and pending litigation. On call Heier, Workman and Hudkins voted aye. Motion carried.

MOTION: Workman moved and Heier seconded to exit Executive Session at 10:06 a.m. On call Heier, Workman and Hudkins voted aye. Motion carried.

6 INTERLOCAL AGREEMENT BETWEEN CITY AND COUNTY FOR ACQUISITION AND SALE OF FORECLOSED PROPERTIES - Roy Johnson, City Housing Rehabilitation & Real Estate Manager; Michelle Krupicka, Right-of-Way Technician; Doug Cyr, Deputy County Attorney

Eagan reported that the Housing Rehabilitation & Real Estate Division of Urban Development has submitted a proposal for the inventory and sale of surplus properties resulting from tax foreclosure sales. He stated Doug Cyr, Deputy County Attorney, has reviewed this proposal and identified areas of concern, including conflict of interest at the acquisition stage.

Roy Johnson, City Housing Rehabilitation & Real Estate Manager, suggested the City and County enter into an interlocal agreement for the hiring of an intern, with Geographic Information System (GIS) expertise, for one year to identify location and use of City and County owned property, using GIS mapping technology. He noted that once the base map is completed, each entity will be able to update information. Cost projections are \$18,000 for the intern position and \$2,500 - \$3,000 for computer hardware and software.

Eagan suggested the County fund its portion of those expenses with Keno Funds.

Cyr stated identifying the location of surplus property is crucial for marketability, as well as liability concerns. The number of County owned properties may not equal those of the City's, so he suggested fees initially be divided on an equal basis, with later adjustment based upon audit.

MOTION: Workman moved and Heier seconded to direct Kerry Eagan, Chief Administrative Officer, to add the appropriation to the Keno Fund Budget for Fiscal Year 1999-00, funding up to 50 percent of the cost, if warranted. On call Workman, Heier and Hudkins voted aye. Motion carried.

7 BENEFITS FOR UNCLASSIFIED, UNREPRESENTED EMPLOYEES - Ron Todd, Personnel Director; John Cripe, Classification and Pay Manager; Diane Staab, Deputy County Attorney; Terry Wagner, Lancaster County Sheriff

John Cripe, Classification and Pay Manager, reported that his department contact eight (8) counties within this region for a comparability study of wages and benefits for the Sheriff Captains, noting that six (6) counties responded to the survey. He briefly summarized the range of responses to questions regarding wages; longevity pay; shift differential; holidays; funeral leave; vacation and sick leave accrual; health, dental and life insurance benefits; injury leave; long-term disability; pension and clothing allowance. Cripe reported the response data indicates that Sheriff Captains are over compensated in all areas, with the exception of long-term disability. A range of pay for the position of Sheriff Captain, rather than a set rate of pay, is also indicated.

Cripe stated he believes the Sheriff Captains would benefit from inclusion in a proposed resolution defining benefits for unclassified, unrepresented employees. He stated he does not oppose drafting a separate resolution for that position, but if that occurs, his department will recommend a benefits package in line with the results of the comparability study, which is less than that offered in the proposed resolution. Cripe noted, however, that the proposed resolution does not reconcile the issues of how to compensate individuals currently exceeding the limits for sick leave and vacation accrual; and how to roll current longevity pay into salary for this year.

Terry Wagner, County Sheriff, noted the following concerns:

- * Comparability study was conducted within a short time frame and array of responding counties may have skewed results
- * All of the counties responding to the survey provide their Sheriff Captains a benefits package equal to that afforded to other employees within their department
- * Sheriff Captains are the only employees in the unclassified, unrepresented employee class that are governed by Nebraska Statutes and are required to be promoted from within the ranks of their department's employees

Wagner requested that a separate resolution be drafted for the Sheriff Captains and that benefits be identical to those of the Deputy Sheriff's they supervise.

Cripe responded that promotion from within the ranks is not statutorily required. He indicated this policy was determined locally by the Merit Commission, and may be changed at the Merit Commission's discretion.

Cripe stated the Merit Commission requires that wages and benefits for Sheriff Captains be comparable to others within the region, not the Deputy Sheriff's within their department. He also noted that Nebraska Statutes mandate that supervisors be excluded from representation with non-supervisory personnel in Sheriff Departments.

Ron Todd, Personnel Director, stated that the purpose of the proposed resolution was to treat equal positions in an equal manner and issuing a separate resolution for Sheriff Captains would defeat that purpose. Other groups within the proposed resolution could request separation as well. He also stated individuals accepting management level positions need to accept that they are no longer members of the rank and file employees and are not entitled to the benefits negotiated by those employee groups.

The Board directed Cripe to send a letter to CNA Insurance seeking confirmation of their company's acceptance of the Chief Deputy Sheriff and Sheriff Captains into the County's long-term disability plan. Cripe was also requested to provide the Board with a synopsis of comparability study data.

Board consensus to take the matter under advisement, with a decision on the matter delayed until all Commissioners are present.

8 ATTENTION CENTER WEST REMODEL - Dennis Banks, Attention Center Director; Fred Little, Plant Operations Manager

Dennis Banks, Attention Center Director, requested authorization to proceed with a remodel project at the Attention Center West facility that will convert an interview room into a bedroom, for an estimated cost of \$2,259.

Fred Little, Plant Operations Manager, briefly reviewed *Attention Center West Remodel Estimate* (Exhibit C).

In response to a question from Workman, Banks stated he did not anticipate that the County would be required to return the building to its original condition under terms of the lease agreement, as the building was basically a shell before improvements.

MOTION: Heier moved and Workman seconded to proceed with the remodel project at the Attention Center West facility. On call Heier, Workman and Hudkins voted aye. Motion carried.

9 ACTION ITEMS

- a. Recommendation from Visitors Promotion Committee to Award a Grant of \$500 to the Family, Career and Community Leaders of America

MOTION: Heier moved and Workman seconded approval of the \$500 grant to the Family, Career and Community Leaders of America, subject to presentation of a statement showing a deficit for the event. On call Heier, Workman and Hudkins voted aye. Motion carried.

- b. Recommendation from Visitors Promotion Committee to Award a Grant of \$800 to the Nebraska Future Farmers of America (FFA) Association

MOTION: Heier moved and Workman seconded approval of the \$800 grant to the Nebraska Future Farmers of America (FFA) Association, subject to presentation of a statement showing a deficit for the event. On call Workman, Heier and Hudkins voted aye. Motion carried.

- c. Microcomputer Request C#99073 from County Commissioners for Four (4) Compaq Deskpros, Four (4) 17" Monitors, Two (2) 15" Monitors, Etc., \$6,772.30 from the Microcomputer Fund

Board consensus to purchase six (6) 17" monitors, rather than four (4) 17" and two (2) 15" monitors, for an additional expense of \$326.40.

MOTION: Heier moved and Workman seconded approval of the request, with that correction. On call Heier, Workman and Hudkins voted aye. Motion carried.

10 ADMINISTRATIVE OFFICER REPORT

- a. County Service Awards

Board consensus to hold a recognition luncheon on June 8th at the County Extension Office.

The Board also requested that the quality of recognition gifts be assessed.

- b. Telecommunications Consultant

Eagan reported that River Oaks Communications Corporation has submitted a proposal to the City and County to develop a telecommunications ordinance that would apply to right-of-ways and a wireless communications ordinance for the siting of cellular towers.

In response to a question from Heier, Eagan stated this consulting firm was selected following an extensive bidding process by the City.

MOTION: Heier moved and Workman seconded to authorize Kerry Eagan, Chief Administrative Officer, to negotiate with the City of Lincoln to develop a contract with River Oaks Communications Corporation for a county-wide ordinance on telecommunications. On call Heier, Workman and Hudkins voted aye. Motion carried.

- c. Lincoln Action Program Request to Use Parking Lot East of Trabert Hall for Sale of Produce

The Board directed Eagan to seek input from Larry Van Hunnik, Lancaster Manor Administrator, regarding the proposal and to request proof of liability insurance from Lincoln Action Program.

11 DISCUSSION OF BOARD MEMBER MEETINGS

- a. Emergency Management Advisory Committee - Workman

Workman reported briefly on a tornado spotters workshop that was held.

- b. Parks & Recreation Advisory Board - Workman

Workman reported a study will be conducted on whether to allow the consumption of alcohol on City owned golf courses, noting that he opposes this proposal.

ADDITIONS TO THE AGENDA

- a. Maintenance Contracts

Heier requested that future requests for maintenance contracts include the following:

- * Purchase price of the equipment
- * Replacement cost for the equipment
- * Maintenance contract cost

Heier also requested that a Maintenance Fund be established for all maintenance contracts and that the Purchasing Department solicit bids for maintenance service at an hourly rate.

- b. Liquor License Policy

Workman suggested the Board amend its conditions on the issuance of liquor licenses with regards to the display and sale of single cans or bottles of beer, malt liquor and wine, as they are too wordy.

Brief discussion followed with Board members noting the following concerns regarding the application from Ely's Service Incorporated dba/Branched Oak Marina for a Class M (Bottle Club) and a Class E (Beer Off Sale Only) liquor license:

- * Liquor license is moving from on-sale in the restaurant portion of the marina to off-sale in the boathouse
- * Management of the restaurant has not been determined
- * Drinking may be combined with boating
- * Rural fire districts must respond to emergency calls at Branched Oak Lake, without compensation
- * Nebraska Game & Parks Commission rules prohibit drinking on the lake and surrounding land

Eagan cautioned that the Board must adhere to very specific criteria in recommending denial of a liquor license.

a. Visitors Promotion Advisory Committee

Brief discussion took place on an article in the Lincoln Journal-Star newspaper that indicated the feasibility of constructing a multimillion-dollar convention center in Lincoln is being assessed.

Eagan stated a copy of a County Attorney's opinion indicating that Visitors Promotion and Advisory Committee funds may not be used for capital improvements or the planning of capital improvements has been provided to Michael Carpenter, Lincoln Convention & Visitors Bureau Director.

ADJOURNMENT

MOTION: Heier moved and Workman seconded to adjourn the meeting. On call Heier, Hudkins and Workman voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk